

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 09-41280

AKM B. CHOWDHURY,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING DEBTOR'S MOTION TO SET ASIDE DISMISSAL OF CASE**

This case comes before the Court on Debtor's "Motion to Set Aside Dismissal of Case for Failure to File a Matrix," filed on February 3, 2009 (Docket # 12), which this Court construes as a motion for reconsideration of the Court's January 30, 2009 Order dismissing this case (Docket # 10).

The Court has reviewed and considered the motion for reconsideration and finds that the motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(c).

In addition, the Court notes the following: Upon review of the file the Court concludes that this case cannot be reinstated for the additional reason that the Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(h)(1). That section provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

Debtor filed a voluntary petition for relief under Chapter 7 on January 19, 2009. The only

certificate of credit counseling that Debtor filed with the Court states that Debtor received “an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111” on July 22, 2008. (*See* “Certificate of Counseling,” filed on January 19, 2009 (Docket # 4).) Debtor did not receive credit counseling *during the 180-day period preceding the date of the filing of her petition*. In this case, that 180-day period was July 23, 2008 through January 18, 2009. Thus, Debtor obtained her credit counseling briefing one day before the relevant 180-day period began, and therefore too early to qualify Debtor as eligible to be a debtor in this bankruptcy case. Accordingly,

IT IS ORDERED that Debtor’s “Motion to Set Aside Dismissal of Case for Failure to File a Matrix” (Docket # 12), is DENIED.

**Signed on February 04, 2009**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**